

REMARKS

In the Official Action of June 1, 2004, the Examiner required an election under 35 U.S.C. § 121 among two allegedly distinct inventions, namely:

Group I, referring to claims 1-24, drawn to a data transmission control method; and

Group II, referring to claims 25-27, drawn to a receiving apparatus.

The Examiner has contended that the inventions of Groups I and II are related as subcombinations disclosed as usable together in a single combination.

Applicant disagrees with the Examiner's characterization of the claims herein as directed to subcombinations disclosed as usable together in a single combination. Claims 1-24 are directed to methods while claims 25-27 are directed to apparatus, and therefore these claims are not related as subcombinations. Moreover, apparatus claims 25-27 are cast in means plus function language having limitations that are substantially the same as the limitations in the method claims. Accordingly, applicant submits that all of claims 1-27 should be examined together in the present application. Nonetheless, in response to the restriction requirement, applicant provisionally elects Group I, claims 1-24 for further prosecution in this application. Accordingly, claims 25-27 stand withdrawn from consideration in the present application without prejudice to applicant's right to file one or more divisional applications directed thereto.

If there are any additional charges in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 25, 2004

Respectfully submitted,

By 
Robert B. Cohen
Registration No.: 32,768
LERNER, DAVID, LITTBENBERG,
KRMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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